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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

MAR 28 2007

at 1 o'clock and 00 min. P.M.  
SUE L. HIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen,	)	CIVIL NO. CV03-00385 SOM-LEK
	)	(Copyright)
Plaintiff,	)	
	)	NOTICE OF CROSS-APPEAL;
v.	)	EXHIBIT "A"; CERTIFICATE OF
	)	SERVICE
HAWAIIAN EXPRESS SERVICE,	)	
INC., a California	)	
corporation; et al.	)	
	)	
Defendants.	)	
	)	
	)	
	)	

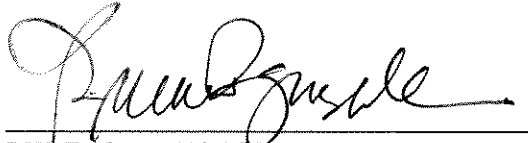
**NOTICE OF CROSS-APPEAL**

Notice is hereby given that Defendants Mark Dillon, Teresa Noa, Melvin Ponce, Sonia Purdy, Justin Fukumoto, Alfreda Waiolama, and Jacqueline Rio (collectively "Appellees") appeal to the United States Court of Appeals for the Ninth Circuit from the *Order Adopting and Modifying the October 25, 2006, and December 4, 2006, Reports of Special Master on the Parties' Motion for Attorneys' Fees and Costs* 9 (the "Order"), filed herein on March

2, 2007. Appellees specifically appeal the District Court's findings in the Order that Plaintiff, as opposed to Appellees, was the prevailing party with respect to Plaintiff's claims under the Copyright Act and its corresponding decision to deny Appellees' request for attorney's fees and costs under section 505 of the Copyright Act. A true and correct copy of the Order is attached as Exhibit A.

Plaintiff filed his Notice of Appeal from the Order on March 14, 2007, and this cross-appeal is timely pursuant to Federal Rules of Appellate Procedure 4(a)(3).

Dated: Honolulu, Hawaii, March 28, 2007.

A handwritten signature in black ink, appearing to read "Lyle S. Hosoda", written over a horizontal line.

LYLE S. HOSODA  
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